

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

JULIAN SANCTON, on behalf of himself
and all others similarly situated

Plaintiff	Case Number
vs.	TK
OPENAI, INC., OPENAI GP, LLC, OPENAI, LLC, OPENAI OPCO LLC, OPENAI GLOBAL LLC, OAI CORPORATION, LLC, OPENAI HOLDINGS, LLC, and MICROSOFT CORPORATION,	
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

AUTHORS GUILD, DAVID BALDACCI, MARY BLY, MICHAEL
CONNELLY, SYLVIA DAY, JONATHAN FRANZEN, JOHN GRISHAM,
ELIN HILDERBRAND, CHRISTINA BAKER KLINE, MAYA SHANBHAG
LANG, VICTOR LAVALLE, GEORGE R.R. MARTIN, JODI PICOULT,
DOUGLAS PRESTON, ROXANA ROBINSON, GEORGE SAUNDERS,
SCOTT TUROW, and RACHEL VAIL, individually and on behalf of
others similarly situated,

Plaintiff	Case Number
vs.	1:23-cv-08292-SHS
OPENAI INC., OPENAI LP, OPENAI LLC, OPENAI GP LLC, OPENAI OPCO LLC, OPENAI GLOBAL LLC, OAI CORPORATION LLC, OPENAI HOLDINGS LLC, OPENAI STARTUP FUND I LP, OPENAI STARTUP FUND GP I LLC, and OPENAI STARTUP FUND MANAGEMENT LLC,	
Defendant	

Status of Earlier Filed Case:

☐

Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

☒

Open

(If so, set forth procedural status and summarize any court rulings.)

This class action for copyright infringement against OpenAI was filed on September 19, 2023 on behalf of fiction authors. The complaint alleges that OpenAI committed "flagrant and harmful infringements of Plaintiffs' registered copyrights in written works of fiction." See ECF 1 at 2, 23-cv-08292 (Sept. 19, 2023). An initial conference has been scheduled for November 29, 2023 at 3:30 PM. See ECF 25.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

In both suits, the central claims challenge the use of Plaintiffs' copyrighted material to train AI language models. Both cases name various OpenAI entities as defendants. The basic legal theories, causes of action, sources of liability, relief requested, basis of jurisdiction, and factual allegations regarding Defendants' conduct advanced in both complaints are also similar. One of the primary differences is that the newly filed suit is brought on behalf of a class of copyright holders in written works of nonfiction, while the Plaintiffs in the earlier-filed suit are copyright holders in written works of fiction.

Signature: /s/ J. Craig Smyser Date: 11/21/2023

Susman Godfrey LLP

Firm: _____